

STENOGRAPHIC TRANSCRIPT OF PROCEEDINGS

BEFORE THE

Illinois Commerce Commission

DOCKET NO.

IN THE MATTER OF:

ILLINOIS COMMERCE COMMISSION

PLACE:

CHICAGO, ILLINOIS

DATE:

January 30, 2008

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SULLIVAN REPORTING COMPANY

OFFICIAL REPORTERS

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BEFORE THE
ILLINOIS COMMERCE COMMISSION

ILLINOIS COMMERCE COMMISSION)
BENCH SESSION)

Springfield, Illinois
Wednesday, January 30, 2008

Met, pursuant to notice, at 10:30 a.m.

BEFORE:

CHAIRMAN CHARLES E. BOX

COMMISSIONER LULA M. FORD

COMMISSIONER ERIN O'CONNELL-DIAZ

COMMISSIONER ROBERT F. LIEBERMAN

COMMISSIONER SHERMAN ELLIOTT

SULLIVAN REPORTING COMPANY, by
Carla J. Boehl, Reporter
Ln. #084-002710

PROCEEDINGS

CHAIRMAN BOX: Pursuant to the provisions of the Illinois Open Meetings Act, I now convene a regularly scheduled bench session of the Illinois Commerce Commission. With me in Springfield are Commissioners Ford, O'Connell-Diaz, Lieberman and Elliott. I am Chairman Box, and we have a quorum.

Before moving into the agenda, this is the time we allow the members of the public to address the Commission pursuant to Title II of the Illinois Administrative Code Part 1700.10, implementing Public Act 95-127. Members of the public wishing to address the Commission must notify the Chief Clerk's Office at least 24 hours prior to the bench session. According to the Chief Clerk's Office we have received no requests.

First we will take up the Transportation agenda. We have minutes to approve from the bench session of January 16, 2008. Is there a motion to approve the minutes?

COMMISSIONER FORD: So move.

CHAIRMAN BOX: Second?

MR. LIEBERMAN: Second.

CHAIRMAN BOX: The move is seconded to

1 approve the minutes. All in favor say aye. Any
2 opposed? The vote is 5/0 approving the minutes.

3 Turning first to the Railroad Section of
4 the agenda, Item R-1 is a stipulated agreement
5 allowing for the installation of signals and gates
6 over an at-grade crossing over tracks owned by the
7 Illinois Central Railroad Company in Mattoon, Coles
8 County. Up to \$125,700 of Grade Crossing Protection
9 Funds will be used. Staff recommends accepting the
10 stipulated agreement. Is there a motion to accept
11 the Stipulated Agreement?

12 COMMISSIONER FORD: So move.

13 CHAIRMAN BOX: Is there a second?

14 COMMISSIONER LIEBERMAN: Second.

15 CHAIRMAN BOX: The move is seconded to accept
16 the stipulated agreement. All in favor say aye. Any
17 opposed? The vote is 5/0. The Stipulated Agreement
18 is accepted.

19 We will use this 5/0 roll call vote for
20 the remainder of the Transportation agenda unless
21 otherwise noted.

22 Item R-2 is a stipulated agreement
23 requiring the installation of new and automatic
24 flashing lights, signals and gates over tracks owned

1 by the Norfolk South Railway Company at the Fifth
2 Street grade crossing in Allerton, St. Clair County.
3 Up to \$249,915 of Grade Crossing Protection Funds
4 will be used for the project. Staff recommends
5 accepting this Stipulated Agreement. Is there any
6 discussion? Any objections? Hearing none, the
7 Stipulated Agreement is accepted.

8 Item R-3 concerns an extension of time to
9 complete the reconstruction and realignment of a
10 water way structure in highway approaches to CSX
11 Transportation's track at the Mulberry Road crossing
12 in Collinsville Township, Madison County. Work will
13 be completed by April 30, 2008. The Illinois
14 Department of Transportation supports the request for
15 an extension of time. Staff recommends an acceptance
16 of the Supplemental Order without a hearing. Is
17 there any discussion? Any objections? Hearing none,
18 the Second Supplemental Order is entered.

19 This concludes the Railroad portion of
20 today's agenda.

21 Turning now to the Motor Carriers, Items
22 MC-1 and MC-2 may be taken together. These matters
23 concern the application of Martins Moving Services
24 for authority to operate as a household goods motor

1 carrier and the application by Auto World 2000 for a
2 commercial relocater's license. Administrative Law
3 Judge Kirkland-Montague recommends approving the
4 applications. Is there any discussion? Any
5 objections? Hearing none, the applications are
6 approved.

7 Items MC-3 and MC-4 may be taken
8 together. They concern the renewal of two commercial
9 relocation and towing licenses. Staff recommends
10 granting the renewals. Is there any discussion? Any
11 objections? Hearing none, the licenses are renewed.

12 Item MC-5 involves the second petition
13 for rehearing/reconsideration, motion to reopen,
14 emergency request for a stay, oral argument
15 requested, filed by Brian and Michael Towing. This
16 filing was in response to the Commission's order of
17 December 19, 2007. The present Order finds that the
18 instant petition raises identical issues and
19 arguments that were rejected in the Commission's
20 Order on Rehearing on October 24, 2007. It further
21 finds that the request for a stay is unnecessary
22 since all Commission orders are automatically stayed
23 until the applications for rehearing are disposed of
24 by the Commission. The Order further finds that the

1 Commission's Rules of Practice do not provide for
2 oral arguments on applications for rehearing.

3 Administrative Law Judge Jackson
4 recommends, number one, denying the motion to reopen;
5 two, denying the emergency request for a stay as
6 moot; three, denying the request for oral argument;
7 four, denying the second petition for rehearing or
8 reconsideration; and five, denying the second
9 application for rehearing. Is there any discussion?
10 Any objections? Hearing none, the second petition
11 for rehearing/reconsideration is denied. The motion
12 to reopen is denied. Emergency request for a stay is
13 denied, and the request for oral arguments is denied.

14 This concludes the Motor Carrier portion
15 of today's agenda. Ms. Kelly, any further matters to
16 come before us today?

17 MS. KELLY: That's all, Chairman. Thank you.

18 CHAIRMAN BOX: Thank you very much. We will
19 now proceed to the Public Utilities agenda. We have
20 minutes to approve of the Bench Session on January
21 16, 2008, and an Emergency Special Open Meeting held
22 on January 16, 2008. Is there a motion to approve
23 these minutes?

24 COMMISSIONER LIEBERMAN: So moved.

1 CHAIRMAN BOX: Is there a second?

2 COMMISSIONER O'CONNELL-DIAZ: Second.

3 CHAIRMAN BOX: The move is seconded to
4 approve the minutes. All in favor say aye. Any
5 opposed? The vote is 5/0. The minutes are approved.

6 We are holding Items G-2, T-16 and T-17.

7 Under the Electric agenda, Item E-1
8 involves financial qualifications for applicants so
9 that they can become alternative retail electric
10 suppliers. Every January the Commission publishes an
11 electricity price index to be used in setting the
12 dollar amounts of any unconditional guarantee,
13 payment of bond or letter of credit required by ARES
14 applicants. Staff recommends using a formula based
15 on the retail and day-ahead locational marginal
16 prices for the Northern Illinois hub. This
17 calculates to \$66.45 per megawatt hour. Staff
18 recommends entering the Order. Is there any
19 discussion? Can I have a motion to enter the Order?

20 COMMISSIONER FORD: I'll move.

21 CHAIRMAN BOX: Second?

22 COMMISSIONER O'CONNELL-DIAZ: Second.

23 CHAIRMAN BOX: Moved and seconded to enter
24 the Order. All in favor say aye. Opposed? The vote

1 is 5/0. The motion passes and the Order is entered.

2 We will use this 5/0 vote for the
3 remainder of the Public Utility agenda unless
4 otherwise noted.

5 Item E-2 implements Public Act 95-0120
6 which repealed the statutory requirement for
7 reciprocity for ARES certification. The Order
8 initiates a rulemaking proceeding to amend Part 451
9 and authorizes submission of a First Notice of
10 Proposed Amendments to the Secretary of State. Staff
11 recommends entering the Order. Is there any
12 discussion? Any objections? Hearing none, the Order
13 is entered.

14 Item E-3 is Docket 05-0415. After
15 distribution of an Administrative Law Judge's
16 proposed order, the parties settled all issues and
17 filed a joint motion to dismiss this complaint with
18 prejudice. Administrative Law Judge Gilbert
19 recommends granting the motion to dismiss with
20 prejudice. Is there any discussion? Any objections?
21 Hearing none, the motion to dismiss is granted.

22 Items E-4 and E-5 may be taken together.
23 They involve requests to treat as confidential,
24 proprietary and other commercially sensitive

1 information filed with the Commission.

2 Administrative Law Judge Jones recommends entering
3 the Order granting the petitions. Is there any
4 discussion? Any objections? Hearing none, the
5 Orders are entered.

6 Item E-6 is Docket 07-0421. It involves
7 a complaint filed by William Klein against AmerenIP.
8 It is indicated that the parties have settled.

9 Complainant filed a motion to dismiss.

10 Administrative Law Judge Tapia recommends granting
11 the motion. Is there any discussion? Any
12 objections? Hearing none, the Order is entered. I
13 am sorry, the motion to dismiss is granted.

14 Item E-7 is Docket 07-0530, Mt. Carmel
15 Public Utility Company is seeking a Certificate of
16 Public Convenience and Necessity for new transmission
17 lines and a substation in Wabash County. These
18 facilities have already been built. Staff supports
19 the request and testified that the new facilities are
20 necessary to replace old facilities. They are in a
21 flood plain with inadequate transformer capacity.
22 Staff -- Applicant had attempted to combine approval
23 for the new facilities as part of its current rate
24 case in Docket 07-0357. Staff suggested that the

1 applicant needed to file a separate proceeding.

2 The applicant is also requesting a
3 variance from the requirements of 83 Illinois
4 Administrative Code Part 300. It did acquire the
5 right-of-way easements from property owners without
6 needing eminent domain proceedings. In acquiring the
7 right-of-way the company failed to adhere to the
8 requirements of Commission rules. Staff supports
9 granting the variance. There are no intervenors or
10 contested issues.

11 Administrative Law Judge Yoder recommends
12 entering the Order granting the requested certificate
13 as well as the variance from 83 Illinois
14 Administrative Code Part 300. Is there any
15 discussion? Any objections? Hearing none, the order
16 is entered and the variance is granted.

17 That concludes the Electricity portion of
18 today's agenda.

19 Turning to the Natural Gas items, Item
20 G-1 is Docket 06-0556. This matter involves the
21 motion by Peoples Gas filed for an extension of time
22 to complete the management audit ordered by the
23 Commission on August 16, 2006. The original Order
24 contemplated a completion date of February 16, 2008,

1 but Peoples states that the large amount of data in
2 the draft report makes it necessary to extend the
3 deadline by two months. Staff does not object.
4 Administrative Law Judge Wallace recommends entering
5 the Order. Is there any discussion? Any objections?
6 Hearing none, the Order is entered.

7 As indicated earlier, we are holding Item
8 G-2.

9 Items G-3 and G-4 may be taken together.
10 They involve requests to treat as confidential,
11 proprietary and other commercially sensitive
12 information filed with the Commission.

13 Administrative Law Judge Jones recommends entering
14 the Order granting the petitions. Is there any
15 discussion? Any objections? Hearing none, the
16 Orders are entered.

17 Item G-5 is Peoples Gas and North Shore
18 rate case. Are the judges available this morning?
19 Judges Moran and Gilbert?

20 JUDGE MORAN: Yes. Chairman, can you just
21 give me one second to organize my paper?

22 CHAIRMAN BOX: Yes.

23 JUDGE MORAN: Okay. I am ready, and I can
24 inform you on those two questions you had.

1 The first question was this Maine case,
2 and you are correct it does appear on the transcript
3 of the oral argument at page 128. The reason I
4 didn't catch it is because I was centering my
5 attention on Rider VBA and this was argument on a
6 different issue.

7 However, I looked through what could
8 possibly be a reference to Maine at all, and there is
9 something in Staff's reply brief on exceptions. It
10 doesn't appear as Maine, however. It refers to an
11 investigation into decoupling energy distribution
12 company earnings from sales. It is a Connecticut
13 release, and it mentions Maine within that document
14 but not for the proposition that is stated in the
15 oral argument statement. I mean, it has nothing to
16 do with reducing any percentage points.

17 It also appears for argument under the
18 weather normalization adjustment, Rider WNA, which
19 the HEPO does not discuss, on the grounds that it
20 approves or suggests approval of Rider VBA. So in
21 terms of anything that was submitted on Rider VBA, I
22 cannot find anything about Maine and about the
23 hundred point reduction. And I guess my colleague,
24 Judge Gilbert, also finds nothing in any of the

1 documents tendered for his consideration to that
2 effect.

3 CHAIRMAN BOX: What about the second issue?

4 JUDGE MORAN: Okay, second issue, that's the
5 rate design issue. There were -- if you look at the
6 proposed order, there were specific recommendations
7 made by Staff as to customer charges for North Shore
8 and Peoples Gas based on bifurcation which is the
9 heating for Residential I and non-heating for
10 Residential I. The companies filed a reply brief on
11 exceptions. That reply brief on exceptions is what
12 triggered the changes in the HEPO that you have
13 before you. And in that reply brief on exceptions,
14 and I have to tell you Steve Hickey was very helpful
15 and very kind to help me with this yesterday, we have
16 found a document which is North Shore/Peoples Gas
17 Exhibit VG-3.1 which will contain the customer
18 charges when we are now joining 1N and 1H.

19 The problem is that you are not going to
20 know exactly the details from even this document
21 because it's based on the company's proposed revenue
22 requirement. And as Mr. Hickey informs me, Peoples
23 Gas under the HEPO would get roughly two-thirds of
24 its requested rate increase. So the numbers that

1 would be shown on this Exhibit VG-3.1 would be
2 approximately correct, except the actual residential
3 customer charge for both North Shore and Peoples
4 customers, I believe, would be somewhat lower than
5 what is shown there.

6 Now, if the Commission likes, we can get
7 you this document. I mean, it is in the record. But
8 if it is more convenient for you, I can tell you
9 right now what that document says. The customer
10 charge is 50 percent of revenue requirement or
11 Peoples Gas would be \$16.90. Again, that's just the
12 document. It doesn't reflect whatever you are going
13 to do with the revenue requirement.

14 And for North Shore it is \$15.04. Again,
15 it depends on what you are going to do with the
16 revenue requirement. Mr. Hickey tells me that it
17 might be slightly overstated, although not by much.

18 CHAIRMAN BOX: But for both it is 50 percent
19 of the revenue requirement?

20 JUDGE MORAN: Pardon me?

21 CHAIRMAN BOX: But it is 50 percent of the
22 revenue requirement for both?

23 JUDGE MORAN: Yes. Customer charge is 50
24 percent of the revenue requirement for both Peoples

1 Gas and North Shore, and under the combined 1N and
2 1H, one non-heating and one heating residential.

3 CHAIRMAN BOX: Mr. Hickey, would you like to
4 add to this?

5 MR. HICKEY: Yes, I just wanted to clarify
6 that it is 50 percent of the residential revenue
7 requirement, which is where we run into the problem.
8 We know the revenue requirement but not for
9 residential class.

10 CHAIRMAN BOX: Thank you very much. Judges,
11 while I have you there, I wanted to ask one other
12 question concerning the seven and a half million
13 dollars that was pursuant to the merger agreement in
14 the Order that we finalized.

15 JUDGE MORAN: Yes.

16 CHAIRMAN BOX: Was that an agreed upon amount
17 by the parties during those negotiations?

18 JUDGE MORAN: Yes, that was agreed upon
19 during the settlement. But let me make something
20 clear here. That was the amount that the company was
21 required to propose and it did propose. But that
22 settlement didn't bind this Commission. In other
23 words, the Commission has every right to reject the
24 HEPO altogether. I have heard arguments to the

1 effect that they are already bound to do EEP. They
2 are not bound to do EEP until this Commission says
3 they are bound. In other words, the settlement did
4 what it had to do. It had to leave that question
5 open. It could only require the company to make the
6 proposal, and the company did make that proposal.

7 CHAIRMAN BOX: In this proceeding?

8 JUDGE MORAN: Yes.

9 CHAIRMAN BOX: Is that seven and a half
10 million per year?

11 JUDGE MORAN: Yes.

12 CHAIRMAN BOX: For how long?

13 JUDGE MORAN: I believe it is for as long as
14 the rates are in effect.

15 CHAIRMAN BOX: Any other questions for the
16 judges while we have them here? Judges, thank you
17 very much.

18 JUDGE MORAN: Thank you.

19 CHAIRMAN BOX: That concludes the Natural Gas
20 portion of today's agenda.

21 Turning now to the Telecommunications
22 portion, Items T-1 and T-2 may be taken together.
23 Illinois Bell Telephone is seeking to withdraw
24 obsolete Ameritech prepaid phone cards and add new

1 ethernet and other data services. Staff recommends
2 that these filings not be suspended or investigated.
3 Is there any discussion? Objections? Hearing none,
4 the filings will not be investigated nor suspended.

5 Items T-3 and T-4 may be taken together.
6 They concern clarifications Verizon North and Verizon
7 South is making to its *69 service. Staff recommends
8 that the tariff provisions not be suspended or
9 investigated. Is there any discussion? Any
10 objections? Hearing none, their tariff revisions are
11 accepted.

12 Item T-5 involves branding references and
13 other minor text changes to Illinois Bell Telephone's
14 integrated services digital network direct services.
15 Reference to SBC has been changed to AT&T, and
16 Verizon's terms and conditions were not changed in
17 this filing. Staff recommends that the filing not be
18 suspended. Is there any discussion? Any objections?
19 Hearing none, the filing is not suspended.

20 Item T-6 is Docket 07-0463. Enhanced
21 Communications Network, Inc., seeks authority to
22 provide resold local telecommunication services in
23 Illinois. Administrative Law Judge Kimbrel
24 recommends entering the Order granting the requested

1 authority. Any discussion? Any objections? Hearing
2 none, the Order is entered.

3 Item T-7 is Docket 07-0604, Cincinnati
4 Bell Any Distance, Inc., seeks authority to provide
5 facilities-based interexchange telecommunications
6 services in Illinois, to provide resold local and
7 interexchange telecommunication services in Illinois,
8 and to provide facilities-based local exchange
9 telecommunication services in Illinois. Applicant
10 also moves for confidential treatment of certain
11 financial information provided in this application.
12 Administrative Law Judge Kimbrel recommends granting
13 the Order and granting Cincinnati Bell the requested
14 authority as well as the confidential treatment of
15 the data at issue. Is there any discussion? Any
16 objections? Hearing none, the Order is entered.

17 Item T-8 is Docket 07-0485. OnFiber
18 Carrier Services, Inc., has filed to withdraw its
19 Certificate of Service Authority previously issued in
20 Docket 00-0266. Petitioner currently provides no
21 telecommunication services in Illinois.
22 Administrative Law Judge Kimbrel recommends entering
23 the attached Order granting the petition. Is there
24 any discussion? Any objections? Hearing none, the

1 Order is entered.

2 Item T-9 is 07-0584. This matter
3 involves a complaint filed by Rebecca Lambert against
4 Verizon North, Inc., alleging Verizon continued to
5 bill the complainant after services were terminated.
6 The parties have filed a joint stipulation of
7 dismissal indicating that the matter has been
8 resolved. Administrative Law Judge Tapia recommends
9 that the Commission grant the joint stipulation of
10 dismissal. Is there any discussion? Any objections?
11 Hearing none, the joint stipulation of dismissal is
12 granted.

13 Items T-10 through T-13 may be taken
14 together. These matters concern new interconnection
15 agreements and amendments to existing interconnection
16 agreements between Illinois Bell Telephone Company
17 and various parties. There were no intervenors or
18 contested issues. The administrative law judges in
19 these cases recommend entering the orders. Is there
20 any discussion? Objections? Hearing none, the
21 Orders are entered.

22 Item T-14 is Docket 07-0601. This matter
23 concerns Commission approval of an interconnection
24 agreement between USCOC of Central Illinois, LLC,

1 USCOC of Illinois RSA#4, LLC, and United States
2 Cellular Operating Companies of Illinois, LLC, and
3 Illinois Consolidated Telephone Company. There are
4 no intervenors or contested issues. Administrative
5 Law Judge Riley recommends that the Commission enter
6 the order approving the agreement. Is there any
7 discussion? Any objections? Hearing none, the order
8 is entered.

9 Item T-13 is Docket 07-0611. This matter
10 concerns a negotiated interconnection agreement
11 between Gallatin River Communications -- I am sorry?
12 T-15, I am sorry, Docket 07-0611. This matter
13 concerns a negotiated interconnection agreement
14 between Gallatin River Communications and Aero
15 Communications. There are no contested issues or
16 intervenors. Administrative Law Judge Tapia
17 recommends entering the Order. Is there any
18 discussion? Any objections? Hearing none, the Order
19 is entered.

20 As indicated earlier, we are holding
21 Items T-16 and T-17.

22 Item T-18 is Docket 07-0433. AT&T
23 Illinois seeks to modify a previous Order to offer a
24 per line blocking option to its Caller ID offering

1 under which a customer can block the number from
2 appearing on another party's caller ID. Similar to
3 the free *67 service which allows a customer to block
4 its number on individual calls, the new fee-based
5 service would allow customers to block the caller ID
6 on every call from a certain line. Staff recommends
7 that certain disclosures be made to prevent customer
8 confusion that per calling blocking is free and that
9 per line blocking is offered at a charge. Also, that
10 certain customers are eligible to have the per line
11 blocking option for free.

12 Staff and AT&T Illinois have reached an
13 agreement about the conditions for providing this
14 service. Administrative Law Judge Hilliard
15 recommends entering the Order modifying the Order in
16 Dockets 90-0465 and 90-0466. Is there any
17 discussion?

18 COMMISSIONER LIEBERMAN: I almost hate to do
19 this, but I do have a quick question.

20 CHAIRMAN BOX: Judge Hilliard, are you with
21 us?

22 JUDGE HILLIARD: Yes.

23 COMMISSIONER LIEBERMAN: My understanding is
24 that part of the agreement was that the company would

1 inform customers of the availability of the free
2 service in the January '08 directories. My
3 understanding was that these things were printed in
4 January of '08. I am just curious whether they have
5 put it in there, in which case everything is fine, or
6 if they have already printed them and didn't put it
7 in there. It is January 29 already. That was my
8 question.

9 JUDGE HILLIARD: Yeah, I don't know the
10 answer to your question. I guess I presumed that it
11 would be the next time they printed the directories
12 after you approved the Order. But I will find out
13 and get back to you.

14 COMMISSIONER LIEBERMAN: So, I mean, if the
15 language of the Order said the next time you print
16 directories, that would work. But if it actually
17 says January of '08 -- like I said, I was almost
18 sorry to bring it up.

19 JUDGE HILLIARD: Okay. I don't know the
20 answer.

21 COMMISSIONER LIEBERMAN: It was just a
22 logical inconsistency.

23 CHAIRMAN BOX: Discussion? Any objections?
24 Hearing none, the Order is entered.

1 That concludes the Telecommunication
2 portion of today's agenda.

3 Turning now to the Water and Sewer, W-1
4 involves the rate increase filed by Aqua Illinois
5 Water for its Vermilion service area to determine the
6 reasonableness of its proposed increase in water
7 rates. Staff recommends entering a suspension order.
8 Is there any discussion? Any objections? Hearing
9 none, the Suspension Order is entered.

10 Item W-2 is Docket 07-0296. Aqua
11 Illinois, Inc., seeks to acquire and expand water
12 service facilities in three areas in Kankakee County.
13 On September 26, 2007, an Interim Order was entered
14 in this docket granting a temporary certificate.
15 During the proceedings, Aqua Illinois accepted
16 several changes offered by the Staff. There are no
17 contested issues and no intervenors. The Order finds
18 that the acquisition and expansion to be reasonable
19 and approves the various accounting entries and
20 variances in connection with the acquisition and
21 expansion of the water system. Administrative Law
22 Judge Yoder recommends entering the Order granting
23 the permanent certificates. Is there any discussion?
24 Any objection? Hearing none, the Order is entered.

1 W-3 is Docket 07-0518. Illinois-American
2 Water Company seeks authorization to construct,
3 operate and maintain water systems in two areas
4 generally contiguous to Illinois-American's existing
5 service area in the city of Peoria. Staff does not
6 object, and there are no Intervenorors. Administrative
7 Law Judge Albers recommends entering the order. Is
8 there any discussion? Any objections? Hearing none,
9 the Order is entered.

10 That concludes the Water and Sewer
11 portion of today's agenda.

12 There are three Miscellaneous items on
13 today's agenda. Item M-1 is the resolution
14 reappointing David Conover as the utility
15 representative and Michael Reynolds as the municipal
16 representative on the Underground Damage Prevention
17 Advisory Committee. Staff recommends adopting the
18 resolution. Is there any discussion? Any
19 objections? Hearing none, the resolution is adopted.

20 Item M-2 concerns Public Act 95-0127
21 which added language to the Public Utilities Act,
22 Section 2-107, requiring the Commission to provide a
23 website and toll free telephone number to accept
24 comments from Illinois residents regarding any matter

1 under the auspices of the Commission. The Order
2 proposes a process articulated in the Staff report
3 for receiving public comments through the internet
4 and by telephone. Comments concerning formal
5 proceedings are to be posted on the e-Docket site in
6 a section separate from the remainder of the
7 Commission's electronic record of the proceedings.
8 The draft rule is intended to keep faith with the
9 Commission's rules on ex parte communications as
10 required by the statute.

11 Administrative Law Judge Foster
12 recommends entering the Order which initiates a
13 rulemaking on the basis of the recommendations in the
14 Staff report. Is there any discussion? Any
15 objections? Hearing none, the Order is entered.

16 Item M-3 is Docket 06-0458. TransCanada
17 Keystone Pipeline, LP, seeks to amend the Order
18 issued April 7, 2007, to allow for the construction
19 of a larger diameter pipeline. Applicants have
20 sought permission for a 24-inch pipeline and now seek
21 permission for a 30-inch pipeline. Neither the
22 intervenors nor Staff objected to the change in the
23 pipeline diameter. Administrative Law Judge Wallace
24 recommends entering the Amendatory Order. Is there

1 any discussion? Any objections? Hearing none, the
2 Order is entered.

3 Another matter on today's agenda is the
4 Annual Report on Electricity, Gas, Water and Sewer
5 Utilities which is produced every year pursuant to
6 Section 4-304 of the Public Utilities Act. The
7 Annual Report offers a general review of agency
8 activities, significant decisions and other
9 regulatory actions associated with electricity,
10 natural gas, water and sewer cases during the year,
11 along with specific lists of items in which the
12 Commission must report. The report will be submitted
13 to the General Assembly and the governor as required
14 by law. Staff recommends approving the Annual
15 Report. Is there any discussion? Any objections?
16 Hearing none, the Report is approved.

17 We have a FERC matter before us today
18 which we will need to handle in closed session
19 concerning comments. Is there a motion to go into
20 closed session for the purposes of discussing FERC
21 comments?

22 COMMISSIONER LIEBERMAN: So move.

23 CHAIRMAN BOX: Is there a second?

24 COMMISSIONER ELLIOTT: Second.

1 CHAIRMAN BOX: The move is seconded to go
2 into closed session for those purposes. All in favor
3 say aye. Opposed? Closed for ISO's filing. Let me
4 know when the room is clear in Chicago.

5
6
7 PUBLIC PORTION OF THE BENCH
8 SESSION CONCLUDED
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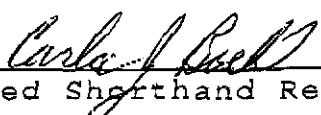
1 STATE OF ILLINOIS)
2) SS
3 COUNTY OF MACOUPIN)

4 TITLE: ILLINOIS COMMERCE COMMISSION
5 PUBLIC UTILITY BENCH SESSION

6 CERTIFICATE OF REPORTER

7 I, Carla Boehl, do hereby certify that I am a
8 court reporter contracted by Sullivan Reporting
9 Company of Chicago, Illinois; that I reported in
10 shorthand the evidence taken and proceedings had on
11 the hearing on the above-entitled case on the 30th
12 day of January 2008; that the foregoing pages are a
13 true and correct transcript of my shorthand notes so
14 taken as aforesaid and contain all of the proceedings
15 directed by the Commission or other persons
16 authorized by it to conduct the said hearing to be so
17 stenographically reported.

18 Dated at Springfield, Illinois, on this 8th
19 day of February, A.D., 2008.

20 
21 Certified Shorthand Reporter

